

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
September 16, 2014
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:03 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Brindle made a motion, seconded by Member Bennett, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Bennett made a motion, seconded by Member Sprague, approving the consent agenda as revised to remove Items IV.E. Amended Website Links Policy; IV.L. Ordinance No. 2014-15 Amending Chapter 12 of the Code Concerning Taxicabs and Taxicab Drivers; and, IV.N. Resolution No. 2014-102 Authorizing Grant Application to Hennepin County for TOD Infrastructure Planning, as follows:

IV.A. Approve regular and work session meeting minutes of September 2, 2014

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated September 4, 2014, and consisting of 32 pages; General Fund \$415,759.70; Police Special Revenue \$1,193.20; Pedestrian and Cyclist Safety \$2,152.89; Working Capital Fund \$606,659.91; Equipment Replacement Fund \$184,338.00; Art Center Fund \$3,036.08; Golf Dome Fund \$92,800.87; Aquatic Center Fund \$1,290.49; Golf Course Fund \$12,266.12; Ice Arena Fund \$713.07; Sports Dome Fund \$25,412.89; Edinborough Park Fund \$13,518.71; Centennial Lakes Park Fund \$4,405.87; Liquor Fund \$175,632.91; Utility Fund \$48,044.40; Storm Sewer Fund \$16,314.00; PSTF Agency Fund \$9.17; Centennial TIF District \$464.00; Payroll Fund \$11,760.28; TOTAL \$1,615,772.56 and for receipt of payment of claims dated September 11, 2014, and consisting of 29 pages; General Fund \$194,977.76; DNU Old Communications Fund \$15.00; Police Special Revenue \$1,275.52; Working Capital Fund \$168,547.23; Equipment Replacement Fund \$33,521.00; Art Center Fund \$403.00; Aquatic Center Fund \$10,248.35; Golf Course Fund \$26,739.25; Ice Arena Fund \$65,700.16; Sports Dome Fund \$9,351.26; Edinborough Park Fund \$45,332.37; Centennial Lakes Park Fund \$1,090.88; Liquor Fund \$227,485.01; Utility Fund \$421,750.47; Storm Sewer Fund \$4,527.91; PSTF Agency Fund \$48,704.53; Valley View/Wooddale TIF District \$5,000.00; TOTAL \$1,264,669.67

IV.C. Adopt Resolution No. 2014-97 Appointing Election Judges for November 4, 2014, General Election

IV.D. Adopt Resolution No. 2014-96 Setting October 21, 2014, Special Assessment Public Hearings

IV.E. ~~Amended Website Links Policy~~

IV.F. Request for Purchase, Edina Liquor 50th Street Store Remodeling Project, awarding the bids to the recommended bidders, Axel H. Ohman Concrete & Masonry at \$35,000.00; Kellington Construction, Inc. at \$22,800.00; Stanley Access Technologies at \$6,850.00; RTL Construction, Inc. at \$22,595.00; Always Tile & Stone LLC at \$4,250.00; Twin City Acoustics, Inc. at \$5,845.00; Grazzini Brothers & Company at \$24,875.00; Great Northern Painting at \$1,650.00; Stan Morgan & Associates at

\$25,537.00; REM Millwork at \$11,998.00; Summit Fire Protection at \$3,240.00; Excel Mechanical at \$2,529.00; AGI Electric, LLC at \$35,752.00; and, Yale Mechanical at \$10,600.00

- IV.G. Request for Purchase, Consulting Services Braemar Master Plan and Stormwater and Natural Resources Plan, awarding the bid to the recommended low bidders, Richard Mandell Golf Architecture at \$53,000.00 and Barr Engineering at \$42,000.00
- IV.H. Request for Purchase, Award of Bid Contract ENG 14-17NB 2014 Watermain Repair Street Patching, awarding the bid to the recommended low bidder, Park Construction at \$73,746.20
- IV.I. Request for Purchase, Engineering Services for Lift Station No. 6 Rehabilitation, awarding the bid to the recommended bidder, Barr Engineering Co. at \$35,000.00
- IV.J. Adopt Resolution No. 2014-98 Authorizing York Avenue Sidewalk Cooperative Agreement with Hennepin County
- IV.K. Adopt Resolution No. 2014-99 Authorizing Vernon Avenue Sidewalk Cooperative Agreement with Hennepin County
- IV.L. ~~Ordinance No. 2014-15 Amending Chapter 12 of the Code Concerning Taxicabs and Taxicab Drivers~~
- IV.M. Set December 2, 2014, Public Hearing Date for 2015 Levy & Budget
- IV.N. ~~Resolution No. 2014-102 Authorizing Grant Application to Hennepin County for TOD Infrastructure Planning~~
- IV.O. Adopt Resolution No. 201-103 Setting Public Improvements Hearing, October 21, 2014, Valley View Road Reconstruction
- IV.P. Approve Amendment to Edina School District 273 Communications Site Lease, Community Water Tower

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.E. AMENDED WEBSITE LINKS POLICY – APPROVED

The Council discussed the Website Links Policy and agreed to remove of the phrase "or conducting discussions of" from bullet point 4. Manager Neal and Communications Coordinator Bennerotte answered questions of the Council relating to the Policy for denying links to websites. **Member Bennett made a motion, seconded by Member Sprague, to approve the City's amended Website Links Policy with deletion as indicated above.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.L. ORDINANCE NO. 2014-15 AMENDING CHAPTER 12 OF THE CODE CONCERNING TAXICABS AND TAXICAB DRIVERS – ADOPTED

The Council discussed the regulations, licensure, and insurance required within the ordinance. Attorney Knutson answered questions of the Council relating to the exemption status that allowed non-profit companies to provide transportation without holding a City taxicab license. **Member Sprague made a motion to grant First and waive Second Reading Adopting Ordinance No. 2014-15 Amending Chapter 12 of the Edina City Code Concerning Taxicabs and Taxicab Drivers. Member Swenson seconded the motion.**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.N. RESOLUTION NO. 2014-102 AUTHORIZING GRANT APPLICATION TO HENNEPIN COUNTY FOR TOD INFRASTRUCTURE PLANNING – ADOPTED

Economic Development Manager Neuendorf reported that the University of Minnesota Metropolitan Design Center and Cuningham Group have prepared a conceptual study to potentially expand the redevelopment outcomes in the Grandview District. This concept, referred to as the "Grandview Highway

Lid,” was originally presented to the City Council at its May 20, 2014, Work Session. The concept would create a shared parking garage and landscaped deck above Highway 100 and re-align the existing on/off ramps. This infrastructure improvement would better connect the neighborhoods on both sides of the highway and yield an additional eight acres of land that could be built upon to create a vibrant district with a mixture of housing, retail, and community amenities. The concept was presented to MnDOT officials and they agreed that this concept had merit and was worth exploring further. The Hennepin County TOD Infrastructure grant was a likely funding source to advance the engineering and planning study.

The Council discussed the grant application and acknowledged the importance of finding a balance between green and commercial spaces for this project design. Concern was expressed with the significantly higher density and possible \$100,000 match, one-half of 1% of the City’s General Fund. The Council acknowledged that approximately the same dollar amount had been paid to the Cuningham Group for development of a small area plan with the Phase 2 Grandview Citizen Advisory Team and so far, Cuningham’s work did not result in the preparation of a small area plan, and the Council had not received any deliverable other than the Grandview Framework approved by the Council in April 2012. Manager Neal and Mr. Neuendorf answered questions of the Council relating to the funding source should the City match the grant from Hennepin County. Mr. Neuendorf described the intent of the study and replied the potential funding source for the matching grant was the approximate \$400,000 that remained from the Grandview I TIF District. **Member Swenson introduced and moved adoption of Resolution No. 2014-102 Authorizing Grant Application to Hennepin County for TOD Infrastructure Planning.** Member Brindle seconded the motion.

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. AUGUST SPEAK UP EDINA REPORT PRESENTED – TOPIC: COMMUNITY GARDENS

Communications Coordinator Gilgenbach presented a summary of August opinions, both pros and cons, collected through Speak Up, Edina relating to Community Gardens.

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VIA. CONSIDER VACATION OF PUBLIC RIGHT-OF-WAY, 7151 YORK AVENUE – RESOLUTION NO. 2014-101 - ADOPTED

Engineer Millner presented the request from Mesaba Capital in relation to the Continental Apartments Project. The existing street and utility easement was 30 feet wide and the applicant was requesting vacating the easterly 10 feet of the utility easement. The City would retain the remaining westerly 20 feet of the easement. The applicant would be using the additional 10 feet to construct elements of the project closer to York Avenue. The City had storm sewer, sanitary sewer, and watermain facilities on the west side of York Avenue and a fiber optic cable was located under the sidewalk in front of 7151 York Avenue. He indicated this vacation would not impact public utilities and CenterPoint Energy does not object to this vacation. Xcel Energy had a primary electric line located within the 30-foot easement that the applicant might have to work with if it was within the construction limits. CenturyLink and Comcast were unresponsive to the request for review.

Mayor Hovland opened the public hearing at 7:49 p.m.

Public Testimony

No one appeared to comment.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson introduced and moved adoption of Resolution No. 2014-101 Vacating Utility Easement. Member Brindle seconded the motion.

Mr. Millner answered a question from the Council, stating that the easement would not increase green space in any way.

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

VII. COMMUNITY COMMENT

Lori Grotz, 5513 Park Place, expressed concern that staff had granted an illegal drainage easement through her yard to benefit the builder of 5509 Park Place without prior notification or compensation.

Jim Grotz, 5513 Park Place, expressed concern that staff had granted an illegal drainage easement through his yard to benefit the builder of 5508 Dever Drive without prior notification or compensation.

Ken Chavis, 6509 Ryan Avenue, indicated his house was located in the Cornelia neighborhood where streets were reconstructed and completed in October of 2013. Mr. Chavis complained that the boulevard in front of his house was barren, full of weeds, and had not been reseeded.

Steve Marks, 5121 Gorgas Avenue, expressed concern with the City's upcoming street program and asked the Council to look closer at residents' concerns.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2014-100 SETTING PRELIMINARY 2015 BUDGET AND LEVY – ADOPTED

Manager Neal asked the Council to approve the preliminary maximum budget and levy for 2015. Mr. Neal stated that the goals, service level, and work plan of the Council were used to create the budget and levy.

Finance Director Roggeman presented the 2015 CIP and budget process review, 2015-2019 Capital Improvement Plan, 2015 preliminary budget and levy, and tax capacity and valuation estimates. Mr. Roggeman explained that the six work plan themes that drove the budget were: infrastructure, commercial and mixed use development, workforce, community vision, communication and engagement.

Manager Neal summarized that the increase of \$2.2 million in 2015 was primarily due to new debt from Braemar Field, new capital expenditures, and an increase in the operating levy. The total of all levies would increase by 8.18%.

Mr. Roggeman answered questions of the Council relating to the increase in levy and debt service levy schedule. He indicated that the next debt expiration would occur in 2015 and after that, one was not scheduled for another six to eight years. Mr. Roggeman also explained that the increase due to Braemar Field would remain until the debt expired and the other increases would depend on actual expenditures.

Concern was expressed with the 2015 budget and levy because the Sports Dome/Braemar Field project had not gone to a referendum so it was not certain that project had full community support. Mr. Roggeman was asked to provide information relating to the potential consequences of keeping the construction fund and equipment levy more aligned with last year's budget. **Member Swenson introduced and moved adoption of Resolution No. 2014-100 Adopting the Proposed Budget for the City of Edina for Year 2015, and Establishing the Proposed Tax Levy Payable in 2015.** Member Brindle seconded the motion.

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

VIII.B. RESOLUTION NO. 2014-95 ACCEPTING VARIOUS GRANTS AND DONATIONS – ADOPTED

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Swenson introduced and moved adoption of Resolution No. 2014-95 accepting various grants and donations.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.C. GRANDVIEW DEVELOPMENT PARTNER – SELECTED

Mr. Neuendorf reported that ten teams of development professionals submitted responses to the City's Request for Interest issued in June for a potential development partner for the former Public Works site at 5146 Eden Avenue in the Grandview District. An ad-hoc committee of City staff narrowed the field to four teams who presented to the Council at its September 2, 2014, Work Session. These teams were Doran Companies, Frauenshuh Commercial Real Estate Group, Greco, LLC, and Kraus-Anderson Realty. The Council discussed its preferences at the September 16, 2014, Work Session. Mr. Neuendorf asked the Council to identify the preferred partner tonight.

Member Swenson made a motion, seconded by Member Brindle, selecting Frauenshuh Commercial Real Estate Group and their team including Opus, DJR Architecture, Reynolds Urban Design, and Confluence as the potential development partner to work in collaboration with the City to redevelop the former Public Works site at 5146 Eden Avenue in the Grandview District; and, to authorize staff to negotiate terms of the partnership for final Council review and approval.

The Council shared the 2013 housing type percentages in Edina from the Metropolitan Council and that a neighboring community was considering adding a community center. The community center criterion under consideration by that neighboring community was enumerated. The Council discussed its consideration for selecting a Grandview Development partner.

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

VIII.D. DEVELOPMENT CONTRACT WITH CITY HOMES DEVELOPMENT, LLC FOR ACRES DUBOIS DEVELOPMENT – APPROVED

Mr. Millner reported that on February 18, 2014, the City Council approved the Final Plat, Development Contract and Preservation Easement for the Acres DuBois Development with M-K Holdings. M-K Holdings had sold the development to City Homes Development, LLC. The recommended action would transfer the requirements of the development as detailed at the February 18, 2014, City Council meeting to City Homes. It was noted that the Final Plat had been filed with Hennepin County, park dedication fees had been paid to the City, and City Homes was currently finalizing construction plans to gather permits from the City, Minnehaha Creek Watershed District, and other regulatory agencies. All other requirements and submittals detailed in the Final Plat materials, Development Contract, preservation easement, and Council meeting minutes would be met prior to construction. If all conditions were met, construction might begin this fall.

The Council discussed the Final Plat changes, language of the grading/restoration requirements, and noted a minor typographical correction. The Council agreed to require a four-foot to five-foot sidewalk at the Engineer's discretion. Brian McCool, real estate lawyer representing City Homes, clarified that Lot 8, Block 3, was a City-owned lot. Mr. Millner indicated a slight portion of that lot would be graded to accommodate installation of infrastructure and staff would review plans to treat storm water runoff.

Following discussion, the Council revised the Development Contract language as follows: Developer shall grade Lot 8, Block 3, Crocker and Crowell's First Addition, in accordance with the approved grading plan. Upon completion of grading, the developer shall restore the public land to its preconstruction condition and establish turf on the graded property in accordance with the Minnesota Department of Transportation

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specifications for highway construction, 2014 edition. All plantings and turf shall be warranted to be alive, of good quality, and disease free for 12 months after planting. Any replacement plantings and turf shall be warranted for 12 months from time of planting. **Member Bennett made a motion, seconded by Member Brindle, approving the Development Contract with City Homes Development, LLC for the Acres Dubois Development, as amended above.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.B. EDINA COMMUNITY HEALTH ADVISORY COMMUNICATION

IX.C. MINUTES:

- 1. HERITAGE PRESERVATION BOARD, JUNE 10, JULY 8, & AUGUST 11, 2014**
- 2. HUMAN RIGHT AND RELATIONS COMMISSION, JULY 22, 2014**

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

XI.A. CONSTITUTION WEEK – PROCLAIMED

Mayor Hovland read a proclamation declaring September 17 through 23, 2014, as Constitution Week and urged all citizens to study the Constitution and reflect on being a citizen of the United States of America.

Member Bennett made a motion, seconded by Member Sprague, approving Proclamation declaring Constitution Week.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

XII. MANAGER'S COMMENTS – Received

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:07 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, October 7, 2014.

Debra A. Mangen, City Clerk

Video Copy of the September 16, 2014, meeting available.

James B. Hovland, Mayor